

May 5, 2008 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, May 5, 2008 at 7:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Barbara A. Barrow

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, April 21, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Regular Meeting, April 21, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

3. Approval of Minutes – Special Meeting, April 22, 2008 (6:00 P.M.).

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

4. Approval of Minutes – Special Meeting, April 22, 2008 (7:30 P.M.).

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

5. Approval of Minutes – Special Meeting, April 26, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

6. Proclamation of the Council, re: May 13, 2008 as Navy Nurse Corps Day in the Town of Middletown.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said proclamation.

7. Proclamation of the Council, re: May 2008 as Older Americans Month in the Town of Middletown.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said proclamation.

8. Memorandum of Interim Town Administrator, with enclosures, re: Financial Statements for the period ending March 31, 2008.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum and statements.

9. Communication of Town Clerk, Town of Westerly, with enclosures, re: Requesting support of resolutions of House Bill 2008-H7108 relating to Labor Relations – Collective Bargaining and House Bill 2008-H7776 relating to Labor Relations –Health and Welfare Funds – Pension Plans.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

10. Communication of Town Clerk, Town of Charlestown, with enclosures, re: Requesting support of resolution regarding RIDEM.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

TOWN COUNCIL

- 1. Application of Newport Nutrition, LLC dba Newport Nutrition, 883 West Main Road, for a Victualling House License for the 2007-2008 licensing year. (NEW)**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license subject to the approvals of the Building Official, the Fire Marshall, the Department of Public Works and the RI Department of Health.

- 2. Application of Newport Nutrition, LLC dba Newport Nutrition, 883 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license.

3. Application for Special Event Permit from Elizabeth Haviland, Haviland/Zucker Wedding, 2 South Crest Street, Saturday, September 6, 2008 from 4:00 PM until 10:00 PM.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said permit.

4. Public Hearing (Advertised; Abutters Notified)

An Amendment to the Town's Comprehensive Community Plan (Second Reading)

Amendment to Town's Comprehensive Community Plan, Future Land Use Plan (Figure 7), two parcels fronting on Defense Highway (aka Burma Road) and Greene Lane proposing to designate as High-Density Residential, TAP 104, Lot 2 and designate as Conservation, Recreation and Open Space a portion of TAP 102, Lot 1.

Public Hearing was declared open.

Town Planner Ronald Wolanski gave an overview of the community plan noting that the proposal is Navy Land. Mr. Wolanski explained that this amendment would make the area consistent with the West Side Master Plan. This will help with future use of the land, if it is excessed.

There being no other person present desiring to be heard on the matter, the public hearing was declared closed.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

5. Public Hearing (Advertised)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of

Middletown, Chapter 152, Zoning Code, Article 1 - Purpose, Article 4 - Definitions, Article 6 – Application of District Regulations, Article 7 – Supplementary Regulations, Article 15 – Multi-family Dwellings, Article 19 – Conservation Development, amendment to implement Conservation Development.

Public Hearing was declared open.

Town Planner Ronald Wolanski addressed the council noting that the proposal had been worked on by the Planning Board and staff for several years. In the initial planning of a development, the planning board and the developer will designate areas that will be preserved as open space. This will allow for more open space within the Town and save the Town money. A public hearing was held by the Planning Board. The draft has been reviewed by the Town Solicitor to check for compatibility with State Law.

There being no other person present desiring to be heard on the matter, the public hearing was declared closed.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

6. Public Hearing (Advertised)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, Article 6 – Application of District Regulations, Section 602, Schedule of District Regulations – Uses and Districts.

Public Hearing was declared open.

Town Planner Ronald Wolanski addressed the Council on the amendment proposed by Newport Animal Hospital. The hospital is proposing to board animals for their clients. An additional line would be added to the use table, “Office of veterinarians and animal

hospital, including the boarding of dogs, cats and other fur bearing animals.”

David Martland, 1100 Aquidneck Avenue, representing Dr. Civic of the Newport Animal Hospital, noting that his client thought he would be able to board animals, however, the use was not allowed. The Building Inspector recommended going to the Planning Board for recommendation to include a new use be added to the use table for “Office of veterinarians and animal hospital, including the boarding of dogs, cats and other fur bearing animals”. There will be no outdoor boarding; it is an indoor state of the art facility.

Dr. Jack Civic, Newport Animal Hospital, addressed the Council noting they have not received any noise complaints since moving to Valley Road. The animals will be housed on the lower level of the building. Currently, they are approved for 31 kennels. Dr. Civic explained that their clients would use the kennels for boarding when not in use by the hospital. This is an accessory use, not a stand-alone use.

On the motion of Vice Chair Mello, duly seconded, it was unanimously voted to leave the public hearing open and continue to the next regular meeting of the Council, May 19th, 2008.

Due to an unexpected emergency, and, on motion of Vice Chair Mello, duly seconded, it was unanimously voted to continue the following items of business, #7 through #18, to the Council's next regular meeting, May 19th, 2008.

7. Communication of Pat Heaney, Representative for RI Lobstermen's Association, with enclosures, re: Requesting to discuss the current mosquito abatement program.

8. Communication of Alice May Curran, 429 Forest Avenue, re: Forest Avenue to Buck Road proposed road.

9. Communication of Antone C. Viveiros, 110 Indian Hill Road, with enclosures, re: Town Charter proposals and revisions.

10. Memorandum of Interim Town Administrator, with enclosures, re: Police Retention Study Group.

11. Communication of Councillor DiPalma and Interim Town Administrator Shawn Brown, re: Strategic Plan Update – Steering Committee Formation Request.

12. Communication of Interim Town Administrator, with enclosures, re: Request for contribution to the Aquidneck Island School/Municipal Study Group.

13. Resolution of the Council, re: Award of contribution to the Aquidneck Island School/Municipal Study Group.

14. Communication of Interim Town Administrator, with enclosures,

re: Award of contract for Sachuest Beaches (2nd & 3rd) Shade Structures.

15. Resolution of the Council, re: Award of contract for Sachuest Beaches (2nd & 3rd) Shade Structures.

16. Memorandum of Interim Town Administrator, with enclosures, re: Open Space Bond.

17. Communication of Interim Town Administrator, with enclosures, re: Stormwater – Eastons Bay.

18. Communication of Joyce Williams, Victoria Johnson, Alphonsa Cook, Tournament Coordinators, Newport County NAACP, re: Request for support – NAACP Annual Golf Tournament.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

It was the consensus of the Council to continue the Executive Session, to the Special Meeting on Thursday, May 8th, 2008.

EXECUTIVE SESSION

Pursuant to the provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5. (a) (2) potential litigation, (5) land acquisition, (2) collective bargaining and (1) personnel.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 7:55 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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Town Clerk